

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JAMES GARRETT FREEMAN,  
Petitioner,

v.

RICK THALER,  
Director, Texas  
Department of Criminal Justice,  
Correctional Institutions Division,  
Respondent.

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MISC ACTION NO. H-12-765

**ORDER PROVISIONALLY GRANTING PETITIONER'S  
MOTION FOR APPOINTMENT OF COUNSEL**

The petitioner, James Garrett Freeman, is a death row inmate, currently in the custody of the Texas Department of Criminal Justice. He has filed a motion for the appointment of counsel to assist him in filing a petition for a writ of habeas corpus.

Title 18 U.S.C. § 3599(a)(2) provides for appointment of counsel in a habeas corpus proceeding when the petitioner is financially unable to obtain adequate representation on his own. Freeman has not filed a motion for leave to proceed *in forma pauperis* or submitted documents showing that he is financially unable to obtain representation. But because habeas corpus proceedings are subject to a strict statute of limitations, making it important for counsel to begin work quickly, this court will provisionally appoint counsel, subject to the petitioner filing proof of indigency by January 31, 2013.

Freeman's Motion For Appointment of Counsel (Docket Entry No. 1) is **PROVISIONALLY GRANTED**. It is further **ORDERED** that Donald Vernay, Esq., 1604 Golf Course Road SE, Rio Rancho, NM 87124, and Michael B. Charlton, Esq., PO Box 51075, Eugene, OR 97405, are appointed to represent Freeman in this habeas corpus proceeding. Finally, it is

**ORDERED** that Freeman, or counsel acting on his behalf, must file proof of Freeman's indigency no later than January 31, 2013. Failure to provide proof of indigency will result in revocation of this appointment of counsel.

SIGNED on December 19, 2012, at Houston, Texas.

  
Lee H. Rosenthal  
United States District Judge